

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES SECURITIES AND  
EXCHANGE COMMISSION,

Plaintiff,

v.

Case No. 06-14891

HONORABLE AVERN COHN

J.T. BATTENBERG, III, PAUL FREE,  
JOHN BLAHNIK, MILAN BELANS, and  
CATHERINE ROZANSKI,

Defendants.

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**TRIAL ORDER**

This is a securities fraud case. A chart displaying the six transactions at issue and the defendant(s) associated with each transaction is attached. On May 18, 2010, the Court held a status conference to bring the case to trial. This order memorializes the matters discussed at the status conference.

1. Trial shall begin on Monday, October 4, 2010. Trial hours are 9:00 am to 4:00 pm Monday thru Friday with the exception of Wednesday which shall be 9:00 am to 1:00 pm. The Case Manager will send out a tentative trial schedule and schedule for processing the jury questionnaires to ensure that jury selection begins on October 4.
2. The jury shall consist of 10 persons. A unanimous verdict of not less than 6 jurors is required.

3. Witness Lists

- On or before June 28, 2010, the SEC shall lodge with the Court, with copies to defendants, a proposed witness list.
- On or before July 12, 2012, defendants shall lodge with the Court, with a copy to the SEC, proposed witness lists.
- The witness lists shall separately state the witnesses called to testify as to each transaction. The lists shall also state whether the witness will be called live or by deposition.

4. Exhibit Lists

- On or before June 28, 2010, the SEC shall lodge with the Court, with copies to defendants, a proposed exhibit list.
- On or before July 12, 2010, defendants shall lodge with the Court, with a copy to the SEC, exhibit lists.
- The exhibit lists shall separately state the exhibits which are generic to the case and which relate to the six transactions.
- Exhibits are deemed authentic and arguably relevant unless specifically objected to. Objections to exhibits must be filed by August 13, 2010.

5. Stipulation of Facts

- On or before June 28, 2010, the SEC shall lodge with the Court, with copies to defendants, a proposed stipulation of facts.
- Defendants shall respond by July 12, 2010.
- The stipulation should reflect the six transactions and the particular defendant(s) associated with the transaction.

6. Jury Instructions on the Law of the Case.

- On or before June 28, 2010, the SEC shall lodge with the Court, with copies to defendants, proposed jury instructions on the law of the case.

- Defendants shall respond with their objections on or before July 12, 2010.

7. Verdict Form

- On or before June 28, 2010, the SEC shall lodge with the Court, with copies to defendants, a proposed verdict form. The SEC shall prepare a verdict form which requires of the jury separate verdicts as to each transaction and each defendant(s) charged in the transaction.
- On or before July 12, 2010, defendants shall lodge with the Court, with a copy to the SEC, objections to the proposed verdict form.

8. Designations of Deposition Testimony

- Designations of deposition testimony by the parties shall be lodged with the Court, with copies to opposing party, by July 12, 2010
- Cross-designations shall be lodged with the Court, with copies to opposing party, by August 13, 2010.
- Any replies are due by August 26, 2010.

9. Motions in Limine

- Motions in limine shall be filed on or before July 12, 2010
- Responses to motions in limine shall be filed on or before August 13, 2010
- Replies shall be filed on or before August 26, 2010
- Care shall be taken to correlate motions in limine to each of the six transactions

10. The Court expect the parties to meet and endeavor to resolve differences over the proposed stipulations of facts, jury instructions, and the verdict form.

11. Exhibits at Trial

- The parties shall prepare notebook(s) of all relevant exhibits for the jurors. The Court shall have a notebook(s) of all of the exhibits.
- Prior to a witness testifying, the Court shall be given a manilla folder (8 x 11) containing copies of the exhibit(s) intended to be introduced during the witness's testimony.

12. The Court will hold a final pretrial conference as well as a hearing on objections to exhibits, motions in limine, and such other matters as appropriate on August 31, 2010 at 10:00 am.

Any objections to this order must be lodged with the Court within seventy-two (72) hours.

SO ORDERED.

Dated: May 26, 2010

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, May 26, 2010, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5160